

## Calendar No. 665

106TH CONGRESS }  
2d Session }

SENATE

{ REPORT  
106-331

### FORT MATANZAS NATIONAL MONUMENT

JULY 10, 2000.—Ordered to be printed

Mr. MURKOWSKI, from the Committee on Energy and Natural Resources, submitted the following

### REPORT

[To accompany S. 1670]

The Committee on Energy and Natural Resources, to which was referred the bill (S. 1670) to revise the boundary of Fort Matanzas National Monument, and for other purposes, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

#### PURPOSE OF THE MEASURE

The purpose of S. 1670 is to expand the boundary of Fort Matanzas National Monument in the State of Florida by approximately 70 acres.

#### BACKGROUND AND NEED

Fort Matanzas National Monument was established by Presidential Proclamation in 1924 under the authorities of the Antiquities Act. S. 1670 would adjust the boundary of Fort Matanzas National Monument by approximately 70 acres. Two tracts of land, which are currently adjacent to the Monument's boundary, were donated to the United States in 1963 and 1965. No legislative authority existed at the time to include these tracts within the Monument's boundary, nor has any effort been made since that time to do so.

The third tract of land was intended to be donated to the Monument in the 1920's but was erroneously omitted from the legal description of a larger parcel of donated land. This 1.6 acre tract has been managed as part of the Monument, and despite the fact that the United States does not hold title to the tract, the tax assessor in St. John's County, Florida, regards it as Federal property. The

National Park Service would seek to clear title to the tract once it is included within the Monument's boundary.

S. 1670 would include the three tracts within the boundary of Fort Matanzas National Monument.

#### LEGISLATIVE HISTORY

S. 1670 was introduced by Senator Graham on September 30, 1999. The Subcommittee on National Parks, Historic Preservation, and Recreation held a hearing on S. 1670 on May 11, 2000. At its business meeting on June 7, 2000, the Committee on Energy and Natural Resources ordered S. 1670 favorably reported.

#### COMMITTEE RECOMMENDATION AND TABULATION OF VOTES

The Committee on Energy and Natural Resources, in open business session on June 7, 2000, by a unanimous vote of a quorum present, recommends that the Senate pass S. 1670 as described herein.

#### SECTION-BY-SECTION ANALYSIS

*Section 1* defines the term "Map" as the map entitled "Fort Matanzas National Monument", numbered 348/80,004 and dated February, 1991; the term "Monument" as Fort Matanzas National Monument in Florida, and; the term "Secretary" as the Secretary of the Interior.

*Section 2* revises the boundary of Fort Matanzas National Monument in the State of Florida by adding land totaling approximately 70 acres, as depicted on the Map.

*Section 3* authorizes the Secretary to acquire the lands by donation, purchase, transfer or exchange.

*Section 4* directs the Secretary to administer the lands described in section 2 as part of Fort Matanzas National Monument, subject to applicable laws.

*Section 5* authorizes appropriations necessary to carry out the Act.

#### COST AND BUDGETARY CONSIDERATIONS

The following estimate of costs of this measure has been provided by the Congressional Budget Office:

U.S. CONGRESS,  
CONGRESSIONAL BUDGET OFFICE,  
*Washington, DC, June 19, 2000.*

Hon. FRANK H. MURKOWSKI,  
*Chairman, Committee on Energy and Natural Resources,*  
*U.S. Senate, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for S. 1670, a bill to revise the boundary of Fort Matanzas National Monument, and for other purposes.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Deborah Reis.

Sincerely,

ROBERT A. SUNSHINE  
(For Dan L. Crippen, Director).

Enclosure.

*S. 1670—A bill to revise the boundary of Fort Matanzas National Monument, and for other purposes*

S. 1670 would expand the boundary of Fort Matanzas National Monument to include three additional parcels of land totaling about 70 pages. The bill would authorize the National Park Service (NPS) to acquire the additional acreage by purchase, donation, transfer, or exchange.

Based on information provided by the NPS, CBO estimates that implementing S. 1670 would have no significant effect on the federal budget. The bill would not affect direct spending or receipts; therefore, pay-as-you-go procedures would not apply. S. 1670 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would impose no costs on state, local or tribal governments.

CBO estimates that implementing S. 1670 would involve only minor expenses typically associated with boundary revisions, such as the costs of surveying and mapping. We expect that the NPS would not have to purchase any of the lands that the bill would add to the Fort Matanzas National Monument because, even though this land was never officially included in the monument, the NPS has held title to and managed all three parcels for many years. Two of the three parcels were donated to the government during the 1920s and 1960s, and the third parcel was intended for donation but was inadvertently omitted from the legal description of a large parcel of land donated during the 1920s. The agency could incur legal expenses to establish clear title to that parcel, but CBO estimates that such expenses would not add significantly to the total cost of implementing the legislation because it is unlikely that anyone would contest the government's claim of ownership to the 1.6-acre site. Finally, because the NPS already manages the three parcels, CBO estimates that the agency would not incur any additional operating or maintenance costs as a result of the boundary revision.

The CBO staff contact is Deborah Reis. This estimate was approved by Robert A. Sunshine, Assistant Director for Budget Analysis.

#### REGULATORY IMPACT EVALUATION

In compliance with paragraph 11(b) of rule XXVI of the Standing Rules of the Senate, the Committee makes the following evaluation of the regulatory impact which would be incurred in carrying out S. 1670. The bill is not a regulatory measure in the sense of imposing Government-established standards of significant economic responsibilities on private individuals and businesses.

No personal information would be collected in administering the program. Therefore, there would be no impact on personal privacy.

Little, if any, additional paperwork would result from the enactment of S. 1670, as ordered reported.

#### EXECUTIVE COMMUNICATIONS

On June 6, 2000, the Committee on Energy and Natural Resources requested legislative reports from the Department of the Interior and the Office of Management and Budget setting forth Executive agency recommendations on S. 1670. These reports had

not been received at the time the report on S. 1670 was filed. When the reports become available, the Chairman will request that they be printed in the Congressional Record for the advice of the Senate. The testimony provided by the National Park Service at the Subcommittee hearing follows:

STATEMENT OF DENIS P. GALVIN, DEPUTY DIRECTOR,  
NATIONAL PARK SERVICE, DEPARTMENT OF THE INTERIOR

Mr. Chairman, thank you for the opportunity to present the Department of the Interior's views on S. 1670, a bill to revise the boundary of Fort Matanzas National Monument, and for other purposes.

The Department strongly supports S. 1670, which involves no cost and corrects long-standing technical problems with the park's boundary. This bill is similar to a proposal the Administration sent to Congress on March 3, 1999. This bill is drafted differently. However, its effect would be the same.

The bill would resolve long-standing boundary and acquisition issues involving three tracts of land, totaling approximately 70 acres. This action is consistent with the 1996 Statement of Management, which stems from the monument's 1982 General Management Plan.

In 1963 and 1965, the Johnson family donated to the United States two tracts of land adjacent to monument grounds. Although this land was donated to the United States, no legislative authority existed then, or now exists, to make these tracts part of Fort Matanzas National Monument. No attempt at the time nor since then has been made to include these beachfront tracts within the monument's boundary.

A third tract was originally intended for donation to the United States, but was erroneously omitted from the legal description of a larger parcel of donated land. Although the United States does not hold title to this tract, the St. Johns County tax assessor regards it as Federal property. Again, no authority existed nor now exists to include it within the boundary of the monument. The National Park Service will seek to clear title once it is included within the monument's boundary. To the best of our knowledge, this bill would not adversely affect any private landowners.

The Presidential Proclamation of October 15, 1924, established the Fort Matanzas National Monument in St. Johns County, Florida. The purpose of the monument is to preserve the rehabilitated Spanish fortification named Fort Matanzas, and to interpret for the visiting public the architectural, political, military, and social history of the fortification.

The inclusion of these three tracts within the boundary of Fort Matanzas National Monument would ensure that the National Park Service could legally protect the resources on the tracts and ensure visitor safety.

Mr. Chairman, this concludes my statement. I would be pleased to respond to questions from you or other committee members.

CHANGES IN EXISTING LAW

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, the Committee notes that no changes in existing law are made by the bill S. 1670, as ordered reported.

